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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/743,372 | 12/22/2003 | Asko Vetelainen | P2397US00 | 9337 |
| 36671 7590 03/05/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314 | | | | |
| EXAMINER | | | | |
| PANDYA, SUNT | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3714 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 03/05/2010 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary**Application No.**

10/743,372

Applicant(s)

VETELAINEN, ASKO

Examiner

SUNIT PANDYA

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,15,17 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,15,17 and 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to amendments filed on 10/14/2009, wherein the examiner acknowledges that claims 1, 3-7, 9-12, 15, 17, 19, 20, 22-30 & 32 have been amended, no additional claims have been added or canceled; consequently, claims 1, 3-12, 15, 17 & 19-32 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-12, 15, 17 & 19-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Miura (US Patent 6,322,451).

Claims 1, 15, 19 & 23: Miura discloses an electronic gaming device comprising, a processor, a memory which includes computer programs (col. 3: 55-68), wherein the computer program is configured to receive and store contact information in a v-card format, from other gaming devices, the contact information contains an identifier of the user and games being supported by the user's device (wherein v-card is a file format standard for electronic business cards, and are often attached to an electronic message, which is disclosed by Miura in cols. 4-5: 30-5). Miura also discloses displaying a list of games supported by the gaming device (col. 4: 61-5), and

generating and sending a request to other gaming device, wherein the request contains an invitation to play the game supported by both devices (col. 5:1-32).

Claims 3 & 21: Miura discloses detecting a selection of a game in the displayed contact information and sending the gaming request on the basis of the selection (col. 8: 12-29).

Claim 4: Miura discloses a controlling unit configured to detect the reception of a gaming request, display the gaming request on the display and send a response to the sender of the request (cols. 4-5: 57-5).

Claim 5: Miura discloses the electronic gaming device to start the game in the gaming device (col. 5: 33-62).

Claims 6, 8-9 & 26-28: Miura discloses the gaming device to set a timer when sending a gaming request with a predetermined timeout limit and if a response is not received within the timeout limit, the controlling unit is configured to display a message regarding the timeout on the display (col. 8: 43-46).

Claims 7 & 25: Miura discloses an event log configured to store information of sent and received data (col. 5-6: 43-8).

Claims 10 & 24: Miura discloses controlling unit configured to block the reception of gaming requests (cols. 5-6, when the player is playing a current game against an opponent, a new request will automatically get blocked).

Claim 11: Miura discloses the electronic gaming device which communicates over a cellular radio network, and the device is a mobile device (col. 8: 50-60 & col. 9: 1-18).

Claim 12: Miura discloses electronic gaming device communication comprising a transceiver configured to use wired connections, as a communication means (col. 8: 50-60).

Claims 17 & 20: Miura discloses the device comprises keys, the controller configured to associate with at least one key a quick gaming number comprising an address of at least one user of another gaming device (col. 4: 21-68), to interpret the key press of the key associated with the quick gaming number as dialing of the quick gaming number when the key is pressed according to a predetermined rule and to send a gaming request to the at least one other gaming device, the request comprising an invitation to play a game supported by both devices (figure 4).

Claim 22: Miura discloses sending the gaming request using a messaging application (col. 4: 21-68).

Claims 29-32: Miura discloses receiving a response to the sent gaming request from other device, and to start the game in a multiplayer mode if the device responsive is a positive response (col. 4: 21-68 & col. 8: 9-50).

Response to Arguments

Applicant's arguments with respect to claims 1, 3-12, 15, 17 & 19-32 have been considered but are moot in view of the new ground(s) of rejection.

In the rejection above, the examiner has cited particular column, line and figure numbers from the references as applied to the claims above for the convenience of the

applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/
Examiner, Art Unit 3714

SP